

Education K-12 Committee

Senator Karen Johnson, Chairman



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EDUCATION K-12 COMMITTEE

LEGISLATION ENACTED

school districts; tuition agreements (S.B. 1018) – Chapter 93

Allows a school district to charge tuition for certain pupils if the two school districts involved have entered into a voluntary agreement with a term of no more than five consecutive years for the payment of tuition. The agreement for the payment of tuition must include the methodology used to compute the tuition amount, the timing of the tuition payments and a stipulation that allows a parent or legal guardian of a pupil affected by an agreement to choose not to send the pupil to any school district that is party to the agreement.

~~schools; governing boards; questionnaire~~ (NOW: school governing board; candidate statement) (S.B. 1046) – Chapter 190

Requires each county school superintendent to publish on its website a statement from each candidate for school district governing board membership in the county. Each candidate must submit up to a 500-word typewritten or electronically submitted statement, with a recent photograph, upon certification by the county school superintendent but no later than 21 days before general election ballots are mailed. The county school superintendent's office must post verbatim the candidate's statement no later than 14 days before the general election ballots are mailed, unless a written request is submitted to correct typographical errors, or "no response submitted" if a candidate fails to submit a statement. The posting of candidate statements is exempt from statutory restrictions relating to the influencing of elections.

unorganized territories; joining school districts (S.B. 1067) – Chapter 133

Eliminates the ballot option for an unorganized territory, with at least 150 pupils, to form its own unified school district. The bill further requires the county school superintendent to redraw school district boundaries to include an unorganized territory if there is only one qualified adjacent school district identified for annexation and continues the current requirement that an election be called if there are two or more qualified adjacent school districts identified for annexation.

~~technical correction; food standards~~ (NOW: unorganized territory; school district annexation) (S.B. 1122) – Chapter 191

Allows a unified school district (district) to annex a noncontiguous unorganized territory if:

- 1) a majority of qualified electors or property owners, if there are no qualified electors, from the unorganized territory present a petition for annexation; 2) there are less than 150 pupils in the unorganized territory at the time of annexation; and 3) the unorganized territory is adjacent to an Indian reservation with less than 2,000 persons but not adjacent to the district. Upon approval of the petition by the district governing board and in the absence of a petition opposing the annexation by the qualified electors of the district, the county school superintendent must conform the boundaries of the district to include the noncontiguous unorganized territory and notify the county board of supervisors and county assessor of the change.

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~~schools; hours of instruction.~~ (NOW: school redistricting commission; unification) (S.B. 1164) – Chapter 283

Beginning July 2, 2007, makes numerous changes. The major provisions include:

School District Redistricting Commission (SDRC) – Expands the SDRC's existing review of common school districts to include all school districts that transport all of their pupils to another school district for instruction. Requires the SDRC to consider the following in determining the statewide unification plan: 1) superintendent contract buyouts; 2) the Voting Rights Act of 1965; 3) a ward system for governing board member elections; and 4) available student capacity at existing school facilities.

Newly Unified School Districts – Allows a newly unified school district, formerly an elementary school district, to continue to calculate its budget and formula funding as it had when the elementary school district paid tuition for the high school pupils in the school district to attend another school district, until a high school is constructed or June 30, 2011, whichever occurs first, or for a maximum of three years after the first year of operation of a new high school.

Transporting Districts – Requires the county school superintendent to dissolve a school district and annex its geographic boundaries to an adjacent school district that provides instruction to the majority of pupils who reside in the transporting school district if the transporting district: 1) does not offer full-time instruction programs in any grade level; 2) transports all of the resident pupils to other school districts; and 3) transports more than 350 pupils annually to other school districts. Allows the existing transporting governing board members to continue serving on the governing board of the school district to which the transporting district was annexed, until January 1 after the next general election.

Mental Health Screening Exemption – Exempts the Arizona Criminal Justice Commission's Chemical Abuse and Related Gang Activity Survey from required written parental consent opt-in, if the survey does not include questions related to depression and religiosity.

School Attendance Boundary Changes – Retroactive to July 1, 2007, requires school districts to create and enforce policies regarding attendance boundary changes that include the following procedures: 1) public meetings, which allow for public comments; 2) parental, resident and land donor notification; and 3) posting of meeting notices, proposed maps, final decisions made by the governing board and attendance boundary updates within 90 days, on the school district website.

Joint Technological Education District (JTED) – Prevents a JTED from funding in whole or in part a student in grades K-8 who is enrolled in a vocational educational program.

schools; test scores; academic gains (S.B. 1522) – Chapter 200

Allows the Superintendent of Public Instruction and Arizona Department of Education (ADE) to calculate pupil academic gain on the Arizona Instrument to Measure Standards (AIMS) test for each AZLEARNs school accountability label on a statewide, school district and school basis. The academic gain is derived through a comparison of average scale scores for students in the current year and the same students in the previous year. Additionally, the bill allows the ADE to develop a school district or charter school operator classification label based on, but not limited to, the following components: 1) measures of academic progress; 2) test scores; 3) attendance and graduation rates; and 4) parental rating of school quality.

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school accountability; school achievement profiles (H.B. 2039) – Chapter 109

Requires the Arizona Department of Education (ADE), for accountability label purposes, to compute a single achievement profile for every school that offers instruction in all K-12 grades or a combination of those grades. The bill further requires the ADE to compile parallel achievement profiles for extremely small schools as defined by the State Board of Education and removes the definition of a small school as a school with fewer than 100 pupils.

charter schools; fingerprinting; civil penalty (H.B. 2041) – Chapter 6

Allows a charter school sponsor to impose a civil penalty of \$1,000 per occurrence on a charter school that does not comply with the state fingerprinting requirements, but allows an exemption of the civil penalty if the violation is the first occurrence of noncompliance and the charter school provides proof within 48 hours of notification that the Department of Public Safety has received appropriate applications for noncompliant individuals.

school safety oversight committee; continuation (H.B. 2045) – Chapter 62

Retroactive to July 1, 2007, continues the School Safety Program (Program) Oversight Committee until July 1, 2017. The bill further allows a public school district to apply every year for the Program by submitting a proposal or needs assessment and removes the funding restriction that new applicants can only receive unencumbered monies from the prior year or monies specifically appropriated to expand the Program.

school districts; accounts; direct deposit (H.B. 2183) – Chapter 11

Allows a school district governing board to establish a clearing bank account for recording direct deposit payroll payments made to financial institutions designated by school district employees.

schools; special education definitions (H.B. 2184) – Chapter 68

Prohibits classification as a “child with a disability” if the determining factor is a lack of appropriate instruction in reading and mathematics, or difficulty in writing, speaking or understanding of the English language, if English is not the child’s primary language. Also prevents reclassification of a “child with a disability” unless the child is reevaluated and it is determined that the child no longer meets the statutory definition. The bill conforms the definition of “specific learning disability,” “ward of the state,” “speech or language impairment” and “visual impairment” to the Individuals with Disabilities Education Act.

schools; adult education fees (H.B. 2202) – Chapter 184

Requires the Arizona Department of Education’s Adult Education Division to review, approve and monitor a supplemental fee structure that may be implemented by adult education providers, to ensure: 1) compliance with state and federal laws; 2) consideration of an individual’s ability to pay; and 3) inclusion of a sliding scale fee schedule based on household income. Adult education providers must: 1) conspicuously post and disseminate written notice to program participants at least 90 days prior to the implementation of the fee structure; 2) assess the approved fees to each individual participating in any adult education program offered by a provider; and 3) use the fees to support and expand adult education programs. The bill prohibits providers from using fee

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revenues to supplant existing state and federal funding and the Arizona Department of Corrections from charging fees for adult education programs offered in correctional facilities.

~~appropriation; character education office~~ (NOW: character education; matching grant; transfer) (H.B. 2204) – Chapter 86

Replaces the Arizona K-12 Center at Northern Arizona University with the Arizona Department of Education (ADE) as the administrator of the state character education matching grant program. The bill further requires a technical evaluation team appointed by the ADE procurement division to fairly and objectively review and approve grant applications. Grant applications are subject to state procurement laws and must list a preapproved program provider. Eliminates the annual matching grant cap of \$1,500 per public school. Any unspent character education monies distributed since June 30, 2005, to the Arizona K-12 Center transfers to the ADE on the effective date of the bill.

~~child support committee; membership~~ (NOW: special education; school year) (H.B. 2251) – Chapter 201

SEE PUBLIC SAFETY & HUMAN SERVICES COMMITTEE.

~~school districts; impact aid miscalculations~~ (NOW: school districts; budget; miscalculations; receivership) (H.B. 2305) – Chapter 234

SEE APPROPRIATIONS COMMITTEE.

~~out of state students; admission~~ (NOW: school governing board; admission; nonresidents) (H.B. 2332) – Chapter 274

Retroactive to July 1, 2007, allows a school district governing board to admit nonresident children from another state through an intergovernmental agreement without charging tuition if the child is a member of a federally recognized Indian tribe and resides on Indian lands with overlapping boundaries in Arizona and another state. Requires the school district governing board in this state to charge or pay tuition if the number of nonresident pupils admitted from another state is greater or less respectively than the number of resident pupils admitted by another state.

special education; surrogate parents (H.B. 2393) – Chapter 126

Replaces the court of competent jurisdiction with the Arizona Department of Education (ADE) as the entity charged with appointing a surrogate parent to represent a child with a disability whose parent, as defined by federal law, cannot be identified or located, in matters pertaining only to special education services offered in public schools. The bill also conforms state statutes related to the appointment of a surrogate parent to the Individuals with Disabilities Education Act. Additionally, the bill directs the ADE, if permitted by state and federal law, to notify the court of competent jurisdiction if the ADE appoints a surrogate parent for a ward of the state.

schools; flag size (H.B. 2468) – Chapter 89

Grandfathers in United States flags presently displayed in public education institution classrooms that are of sufficient size, easily recognizable and not made of paper until the flag needs to be replaced, at which time the replacement flags must measure at least two feet by three feet.

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~~schools; energy and water savings~~ (NOW: schools; energy and water efficiency) (H.B. 2496) – Chapter 150

SEE NATURAL RESOURCES & RURAL AFFAIRS COMMITTEE.

~~transportation districts~~ (NOW: school districts; overexpenditures; receivership) (H.B. 2612) – Chapter 238

SEE APPROPRIATIONS COMMITTEE.

teacher certification; proficiency exam reciprocity (H.B. 2714) – Chapter 151

Requires a nonresident teacher seeking certification reciprocity to pass the requisite Arizona proficiency examinations, if an equivalent test or tests were taken in another state seven or more years prior, unless the teacher taught for at least five of the previous seven years in another state. For a teacher who is not required to pass Arizona proficiency examinations, reciprocity is limited to Arizona examinations that pertain to the grade levels and content areas the teacher was certified to teach in another state.

~~k-12 education; budget reconciliation~~ (NOW: budget reconciliation; K-12 education) (H.B. 2790) – Chapter 264

SEE APPROPRIATIONS COMMITTEE.

~~school facilities board; budget reconciliation~~ (NOW: budget reconciliation; school facilities board) (H.B. 2792) – Chapter 266

SEE APPROPRIATIONS COMMITTEE.

school district expenditures; authorization (H.C.R. 2008/S.C.R. 1022)

Authorizes school districts in FY 2006-2007 to expend local revenues in the amount of \$7,984,452 above the aggregate expenditure limitation allowed by the Arizona Constitution.

VETOES

schools; TAPBI program participants (S.B. 1019) – VETOED

Retroactive to July 1, 2007, expands the Technology Assisted Project-Based Instruction (TAPBI) Program from 14 existing sites to 18.

In her veto message, the Governor states that S.B. 1019 is premature and the TAPBI Program should not be expanded to other locations until the results of the Auditor General performance audit on the TAPBI Program is completed.

~~parking agreements; technical correction~~ (NOW: early graduation scholarship program; funding) (S.B. 1183) – VETOED

Creates the Early Graduation Scholarship Program (Program) at every school district or charter high school to provide scholarships to eligible pupils for tuition, books and fees in the first

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two academic years of postsecondary instruction at a public or private, in-state or out-of-state, postsecondary institution or vocational program. The school district or charter school continues to receive annual per pupil funding for the pupil until the pupil's scheduled graduation date, of which \$2,000 is deposited into the Early Graduation Scholarship Fund to be used for scholarship awards. The bill allows the pupil to participate at no cost in extracurricular activities until the pupil's scheduled graduation date and high school graduation ceremonies.

In her veto message, the Governor objects to the use of public scholarship monies at nonaccredited institutions and programs. The Governor further states that the administrative burden left to individual schools would result in bureaucracies with no uniform eligibility and accountability criteria and recommends a single agency to administer the program.

charter schools; transfer of credits (S.B. 1633) – VETOED

Requires a public school to accept in a uniform and consistent manner any credits earned by a pupil in courses or instructional programs at another public school. A student who disagrees with the decision of the public school and its governing body may appeal the decision to the State Board of Education (SBE). Requires the SBE to review and make the final nonappealable decision whether to award earned credits to the pupil.

In her veto message, the Governor states that the SBE, as a policy making body, is not equipped to adjudicate the appeals that may arise each year and would be placed in an inappropriate position to decide appeals of determinations made by local school boards.

schools; open enrollment; OCR agreements (H.B. 2119) – VETOED

Repeals open enrollment restrictions that prohibit a pupil from transferring out of a school or school district that is a party to an Office of Civil Rights (OCR) agreement to remediate racial discrimination to a charter school or another school district.

In her veto message, the Governor states that H.B. 2119 would disrupt the balance of agreements negotiated by school districts and the OCR to reduce or eliminate racial discrimination through appropriately integrated school districts.